



City Council Meeting SYNOPSIS

Tuesday, October 3, 2017

SAM LICCARDO, MAYOR

CHAPPIE JONES, DISTRICT 1
SERGIO JIMENEZ, DISTRICT 2

RAUL PERALEZ, DISTRICT 3
LAN DIEP, DISTRICT 4

MAGDALENA CARRASCO, VICE MAYOR, DISTRICT 5
DEV DAVIS, DISTRICT 6

TAM NGUYEN, DISTRICT 7
SYLVIA ARENAS, DISTRICT 8
DONALD ROCHA, DISTRICT 9
JOHNNY KHAMIS, DISTRICT 10

City Council

The San José City Council meets every Tuesday at 1:30 p.m. and Tuesday at 6 p.m. as needed, unless otherwise noted. If you have any questions, please direct them to the City Clerk's staff seated at the tables just below the dais. Thank you for taking the time to attend today's meeting. We look forward to seeing you at future meetings.

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On occasion the City Council may consider agenda items out of order.

- Call to Order and Roll Call

9:35 a.m.- Closed Session, Call to Order in Council Chambers

Absent Councilmembers: All present.

1:32 p.m.- Regular Session, Council Chambers, City Hall

Absent Councilmembers: All present.

- Invocation (District 9)

San José Youth Shakespeare, directed by Audrey Rumsby presented moments from *Dear Mr. Shakespeare*.

- Pledge of Allegiance

Mayor Liccardo, joined by Rosemary Elementary School Third Graders, led the Pledge of Allegiance.

- Orders of the Day

The Orders of the Day were approved.

- Closed Session Report

There was no report.

1. CEREMONIAL ITEMS

- 1.1 17-101** Presentation of a proclamation declaring the week of October 15th "National Retirement Security Week" in the City of San José. (Khamis)
Mayor Sam Liccardo and Councilmember Johnny Khamis, joined by Councilmember Dev Davis, presented a proclamation to Peter Ing from VOYA declaring the week of October 15th as "National Retirement Security Week."
- 1.2 17-153** Presentation of a commendation to Services, Immigrant Rights and Education Network (SIREN) for their 40 years of work by empowering low-income immigrants and refugees through community education and organizing, leadership development, policy advocacy and legal services. (Carrasco)
Mayor Sam Liccardo and Vice Mayor Magdalena Carrasco, joined by Councilmembers Sylvia Arenas, Dev Davis, Lan Diep, Sergio Jimenez, Chappie Jones, Johnny Khamis, Tam Nguyen, Raul Peralez, and Don Rocha, presented a commendation to SIREN Executive Director Maricela Gutiérrez and members of the SIREN organization in recognition of their 40 years of work empowering low-income immigrants and refugees through community education and organizing, leadership development, policy advocacy and legal services.
- 1.3 17-171** Presentation of a proclamation declaring the month of October 2017 as "Domestic Violence Awareness Month" in the City of San José. (Carrasco)
Mayor Sam Liccardo and Vice Mayor Magdalena Carrasco, joined by Councilmembers Sylvia Arenas, Dev Davis, Lan Diep, Sergio Jimenez, Chappie Jones, Johnny Khamis, Tam Nguyen, Raul Peralez, and Don Rocha presented a proclamation to Next Door Solutions to Domestic Violence Executive Director Esther Peralez Dieckmann declaring the month of October 2017 as "Domestic Violence Awareness Month."
- Mayor Liccardo, joined by members of the City Council, Library Director Jill Bourne, and City Attorney Rick Doyle, recognized City Manager Norberto Dueñas upon his retirement for his leadership, service and friendship to the City of San José.**

2. CONSENT CALENDAR

2.1 Approval of City Council Minutes.

17-154 Approval of City Council Minutes:

Recommendation: (a) Regular Minutes of April 11, 2017.
(b) Regular Minutes of April 18, 2017.
(c) Regular Minutes of April 25, 2017.
(d) Regular Minutes of May 2, 2017.
CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action. (City Clerk)
Approved.

2.2 Final Adoption of Ordinances. None provided.

2.3 Approval of Council Committee Minutes. None provided.

17-152 Approval of Council Committee Minutes:

Recommendation: (a) Public Safety, Finance and Strategic Support Committee Minutes of June 15, 2017.
(b) Community and Economic Development Committee Minutes of June 26, 2017.
(c) Transportation and Environment Committee Minutes of September 11, 2017.
CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action. (City Clerk)
Approved.

2.4 Mayor and Council Excused Absence Requests. None provided.

2.5 City Council Travel Reports. None provided.

2.6 Report from the Council Liaison to the Retirement Boards. None provided.

2.7 17-151 Approval of Adjusted Campaign Contribution Limits.

Recommendation: Approve the adjusted campaign limits and adopt a resolution approving the adjusted campaign contribution limits in accordance with San José Municipal Code Section 12.06.210.C. CEQA: Not a Project, File No. PP17-008, General Procedure & Policy Making resulting in no changes to the physical environment. (City Clerk)
Resolution No. 78371 adopted.

2.8 17-155 Mayor Liccardo and Mayor's Staff Travel to New York, NY.

Recommendation: Retroactively authorize travel by Mayor Liccardo and Mayor's staff, Khanh Russo, Director of Strategic Partnerships, to New York City on September 28, 2017 as official representatives of the City of San José for meetings with philanthropic organizations regarding San José's key initiatives. Source of Funds: Mayor's Office Budget. CEQA: Not a Project, File No. PP17-010, City Organization & Administrative Activities resulting in no change to the physical environment. (Mayor)
Approved.

2.9 17-100 Actions Related to the Problem Gambling Assessment Services.

Recommendation: Adopt the following Fiscal Year 2017-2018 Appropriation Ordinance amendments in the General Fund:
(a) Eliminate the Problem Gambling Reserve in the amount of \$75,000; and
(b) Establish a City-Wide expense appropriation for Problem Gambling to the Department of Parks, Recreation, and Neighborhood Services in the amount of \$75,000.
CEQA: Not a Project, File No. PP17-004, Government Funding Mechanism or Fiscal Activity with no commitment to a specific project which may result in a potentially significant physical impact on the environment. (Parks, Recreation and Neighborhood Services/City Manager)
Ordinance No. 29999 adopted.

2.10 17-143 Actions Related to the 8036 - Del Monte Park Phase II Project.

Recommendation: (a) Approve a Service Agreement with the San Jose Water Company for the Del Monte Park Phase II project, in the amount of \$142,790.
Approved.
(b) Approve an ordinance designating as additional public right-of-way, a 10-foot wide strip on the south side of Auzerais Avenue from Sunol Street to Los Gatos Creek, all of which is currently City-owned property, to accommodate the Del Monte Park improvements.
Ordinance No. 30000 passed for publication.

(Item continued on next page)

2.10 17-143

Actions Related to the 8036 - Del Monte Park Phase II Project. (Cont'd.)

(c) Approve an increase to the construction contingency from 5 percent to 10 percent for the Del Monte Park Phase II project in the amount of \$215,840 for a total contingency of \$431,680.

Approved.

(d) Adopt the following 2017-2018 Appropriation Ordinance and Funding Sources Resolution amendments in the Construction and Conveyance Tax Fund: Parks Purposes Council District 6:

(1) Increase the Beginning Fund Balance by \$3,000; and

(2) Increase the Del Monte Park Expansion Phase II Master Plan and Design appropriation to the Parks, Recreation and Neighborhood Services Department by \$3,000.

Ordinance No. 30001 adopted.

Resolution No. 78372 adopted.

(e) Adopt the following 2017-2018 Appropriation Ordinance and Funding Sources Resolution amendments in the Subdivision Park Trust Fund:

(1) Increase the Beginning Fund Balance by \$512,000;

(2) Increase the Del Monte Park Expansion Phase II appropriation to the Parks, Recreation and Neighborhood Services Department by \$572,000; and

(3) Decrease the Future PDO/PIO Projects Reserve appropriation by \$60,000.

CEQA: Del Monte Park - Phase II Mitigated Negative Declaration (Resolution No. 77930), File No. PP16-023. Council District 6. (Public Works/Parks, Recreation and Neighborhood Services/City Manager)

Ordinance No. 30002 adopted.

Resolution No. 78373 adopted.

2.11 17-113

Amendment to the Agreement with Santa Clara Valley Transportation Authority (VTA) for the BART Extension to Berryessa.

Recommendation:

Approve the Second Amendment to Cooperative Agreement #7 with the Santa Clara Valley Transportation Authority (VTA) to retroactively extend the term of the Agreement to June 30, 2018. CEQA: Determination of Consistency with the BART Extension to Milpitas, San José, and Santa Clara Final Environmental Impact Report, the BART Extension to Milpitas, San José, and Santa Clara Final Supplemental Environmental Impact Report, and the BART Silicon Valley Phase 1 - Berryessa Extension Final 2nd Supplemental Environmental Impact Report, and Addenda thereto (Resolution No. 76126). Council District 4. (Public Works)

Approved.

2.12 17-162 District 6 Coffee Chat.

Recommendation: As recommended by the Rules and Open Government Committee on September 20, 2017:
(a) Retroactively approve the Councilmember Coffee Chat held on September 16, 2017 as a City Council sponsored Special Event and approve the expenditure of funds.
(b) Retroactively approve and accept donations from various individuals, businesses or community groups to support the event.
CEQA: Not a Project, File No. PP17-011, Temporary Special Events resulting in no changes to the physical environment. (Davis)
[Rules Committee referral 9/20/17 - Item G.1.a.]
Approved.

2.13 17-157 Ratification of Final Expenditures for 2016-2017.

Recommendation: (a) Adopt an ordinance ratifying final 2016-2017 expenditures in various appropriations as detailed in the report to Council.
Ordinance No. 30011 adopted.

(b) Adopt the following 2016-2017 Appropriation Ordinance and Funding Sources Resolution amendments in the Construction Tax and Property Conveyance Tax Fund: Parks Purposes Central Fund:
(1) Increase the Construction and Conveyance Tax estimate by \$4,671,408;
(2) Increase the Needs-Based Allocation Transfer to District 1 by \$412,729;
(3) Increase the Needs-Based Allocation Transfer to District 2 by \$203,375;
(4) Increase the Needs-Based Allocation Transfer to District 3 by \$174,616;
(5) Increase the Needs-Based Allocation Transfer to District 4 by \$240,178;
(6) Increase the Needs-Based Allocation Transfer to District 5 by \$313,354;
(7) Increase the Needs-Based Allocation Transfer to District 6 by \$300,115;
(8) Increase the Needs-Based Allocation Transfer to District 7 by \$209,710;
(9) Increase the Needs-Based Allocation Transfer to District 8 by \$309,299;
(10) Increase the Needs-Based Allocation Transfer to District 9 by \$271,356;
(11) Increase the Needs-Based Allocation Transfer to District 10 by \$211,634;
(12) Increase the Transfer to the Parks City-Wide Construction and Conveyance Tax Fund appropriation by \$1,324,181; and
(13) Increase the Transfer to the General Fund - Parks Eligible Maintenance Costs appropriation by \$700,861.
Ordinance No. 30003 adopted.
Resolution No. 78374 adopted.

(Item continued on next page)

2.13 17-157

Ratification of Final Expenditures for 2016-2017. (Cont'd.)

(c) Adopt the following 2016-2017 Appropriation Ordinance and Funding Sources Resolution amendments in the Construction Tax and Property Conveyance Tax Fund: Parks Maintenance Yards Purposes:

(1) Increase the Construction and Conveyance Tax estimate by \$12,942; and

(2) Increase the Transfer to the General Fund - Park Yards Operating and Maintenance Expenses appropriation by \$12,942.

Ordinance No. 30004 adopted.

Resolution No. 78375 adopted.

(d) Adopt the following 2016-2017 Appropriation Ordinance and Funding Sources Resolution amendments in the 1943 Gas Tax Maintenance and Construction Fund:

(1) Increase the Gas Tax estimate by \$103,901; and

(2) Increase the Transfer to the General Fund for Street Maintenance appropriation by \$103,901.

CEQA: Not a Project, File No. PP17-004, Government Funding Mechanism or Fiscal Activity with no commitment to a specific project with may result in a potentially significant physical impact on the environment. (City Manager)

Note: Renumbered from Item 3.6

Ordinance No. 30005 adopted.

Resolution No. 78376 adopted.

2.14 17-158

Amendment to Ground Leases for the Lease Riders on the Japantown Seniors, Donner Lofts and Ford Road Family Affordable Housing Projects.

Recommendation:

Adopt a resolution authorizing the Director of Housing to negotiate and execute lease riders amending the ground-leases for three existing affordable housing projects (Japantown Senior Apartments at 685 North 6th Street, Ford Road Family at 215 Ford Road and Donner Lofts at 156 E. St. John Street) in favor of the California Tax Credit Allocation Committee ("TCAC") subject to satisfaction of certain conditions, and authorizing Director of Housing to execute a lender's consent to the TCAC lease rider. CEQA: Japantown Senior Apartments Environmental Impact Report (Resolution No. 74384), GP 07-03-04, PDC08-010; Addendum to the San José Downtown Strategy 2000 Final Environmental Impact Report for the Donner Lofts, C09-009/H09-004; Ford Road Family Apartments Mitigated Negative Declaration, File No. PDC09-022. Council District 3. (Housing)

Note: Renumbered from Item 4.6.

Resolution No. 78377 Adopted.

2.15 17-134

Amendment to the Agreement with California High Speed Rail Authority for the California High Speed Rail Project.

Recommendation:

(a) Approve the Standard Agreement Amendment (Agreement) between the City of San José and the California High Speed Rail Authority (Authority) for City support services related to the planning phase of development for the California High Speed Rail project in San José to:

- (1) Increase the reimbursement amount from \$270,000 to \$869,688;
- (2) Amend the City staff hourly rates;
- (3) Modify the deliverable schedule; and
- (4) Permit the City to subcontract reimbursable work under the Agreement with prior approval of the Authority.

Approved.

(b) Adopt the following 2017-2018 Funding Source Resolution and Appropriation Ordinance amendments in the Construction Excise Tax Fund:

- (1) Increase the revenue estimate from the State of California to the City's Department of Transportation in the amount of \$599,688; and
- (2) Increase the High Speed Rail appropriation in the amount of \$599,688.

CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. Council Districts 2, 3, 6, 7 & 10. (Transportation/City Manager)

Note: Renumbered from Item 6.2.

Ordinance No. 30006 adopted.

Resolution No. 78378 adopted.

2.16 17-175

Councilmember Nguyen's Travel to Houston, TX.

Recommendation:

Retroactively approve travel by Councilmember Tam Nguyen to Houston, Texas as part of a delegation to present Hurricane Harvey relief funds to Mayor Sylvester Turner of Houston on September 29, 2017 to October 1, 2017. Source of Funds: Council District 7 Travel Fund. CEQA: Not a Project, File No. PP17-010, City Organization & Administrative Activities resulting in no change to the physical environment. (Nguyen)

Approved.

2.17 17-176

District 2 Village Fest.

Recommendation:

As recommended by the Rules and Open Government Committee on September 27, 2017:

- (a) Approve the Village Fest event scheduled for October 14, 2017 as a City Council sponsored Special Event and approve the expenditure of funds.

(Item continued on next page)

2.17 17-176

District 2 Village Fest. (Cont'd.)

(b) Approve and accept donations from various individuals, businesses or community groups to support the event.

CEQA: Not a Project, File No. PP17-011, Temporary Special Events resulting in no changes to the physical environment. (Jimenez)

[Rules Committee referral 9/27/17 - Item G.1.a.]

Approved.

2.18 17-177

Sherbourne Neighborhood Block Party.

Recommendation:

As recommended by the Rules and Open Government Committee on September 27, 2017:

(a) Approve Sherbourne Neighborhood Block Party scheduled for September 30, 2017 as a City Council sponsored Special Event and approve the expenditure of funds.

(b) Approve and accept donations from various individuals, businesses or community groups to support the event.

CEQA: Not a Project, File No. PP17-011, Temporary Special Events resulting in no changes to the physical environment. (Rocha)

[Rules Committee referral 9/27/17 - Item G.1.b.]

Approved.

3. STRATEGIC SUPPORT

3.1 Report of the City Manager, Norberto Dueñas (Verbal Report)

City Manager Norberto Dueñas announced the opening of the San Jose Sharks hockey season on October 4, 2017 and the Opening Night Pre-Game Rally from 4:00 – 7:00 p.m., and Disability Awareness Day at the City Hall Rotunda hosted by Parks, Recreation and Neighborhood Services with Council District 1 and the VMC Foundation on Thursday, October 5, 2017.

3.2 Labor Negotiations Update. Accept Labor Negotiations Update.

None provided.

3.3 17-140

Status of Open Audit Recommendations as of June 30, 2017.

Recommendation:

Accept the Status of Open Audit recommendations as of June 30, 2017. CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action. (City Auditor)

Accepted as recommended with direction to include the Priority Audit Recommendations as listed in a memo from the City Auditor in November 2017 with the next report.

Absent: Arenas, Peralez

3.4 17-138 Terms of an Agreement with the San José Police Officers' Association (SJPOA) and the International Association of Fire Fighters, Local 230 (IAFF).

Recommendation: Adopt a resolution approving the terms of an Agreement between the City and the San José Police Officers' Association (SJPOA) and the International Association of Fire Fighters, Local 230 (IAFF) regarding additional amendments to the Alternative Pension Reform Framework Settlement Agreement, and authorizing the City Manager to execute an Agreement with those terms. CEQA: Not a Project, File No. PP17-010, City Organizational & Administrative Activities resulting in no changes to the physical environment. (City Manager)
Resolution No. 78379 adopted.
Absent: Peralez

3.5 17-139 Ordinance Implementing Additional Changes from the Alternative Pension Reform Framework Agreement and Measure F.

Recommendation: Approve an ordinance amending various sections of Chapters 3.36 and 3.57 of Title 3 of the San José Municipal Code to implement additional revisions including but not limited to pension cost-sharing, the independent medical review panel, the Voluntary Employees' Beneficiary Association (VEBA) and retiree healthcare based on the implementation of the Alternative Pension Reform Framework and Measure F for members of the City of San José Police and Fire Department Retirement Plan. CEQA: Not a Project, File No. PP17-008, General Procedure & Policy Making resulting in no changes to the physical environment. (City Manager)
Ordinance No. 30007 passed for publication.
Absent: Peralez

**3.6 Ratification of Final Expenditures for 2016-2017.
Renumbered to Item 2.13**

3.7 17-098 CWA/PLA Task Force Committee Recommendations.

Recommendation: (a) Accept the Community Workforce Agreement/Project Labor Agreement (CWA/PLA) Task Force Report; and
(b) Provide further direction to City staff.
CEQA: Not a Project, File No. PP17-010, City Organizational & Administrative Activities resulting in no changes to the physical environment. (Public Works)
Deferred to 10/24/17 per Administration.

4. COMMUNITY & ECONOMIC DEVELOPMENT

Note: Items 4.1 – 4.4 were heard together.

4.1 17-114 Downtown High-Rise Residential Incentive for North San Pedro Tower III at 323 Terraine Street.

Recommendation: Conduct a Public Hearing regarding an economic development subsidy in connection with a reduction in construction taxes and parkland fees for a Downtown residential high-rise at 323 Terraine Street in the amount of \$4,084,091, pursuant to California Government Code Section 53083 and Open Government Resolution Section 2.3.2.6 C. CEQA: Addendum to the Brandenburg Mixed-Use Project/North San Pedro Housing Sites EIR, and the San José Downtown Strategy 2000 Final Environmental Impact Report, File No. H14-037. Council District 3. (Economic Development)

The public hearing was held

Approved with recommendations from the Memorandum submitted by Councilmember Raul Peralez to:

- 1. Direct City Staff to report back no later than July 2018 with a status update on whether all approved developments met the following Downtown High Rise Incentive program requirements:**
 - a. For the duration of the project the contractor must:**
 - i. Retain contractors licensed by the State of California and City of San Jose for the construction of the project and ensure they:**
 - 1. Have workers compensation insurance,**
 - 2. Provide safety training to the workers as required by law, and,**
 - 3. Pay all Federal, State and Local taxes.**
 - ii. Employ only construction workers who possess necessary licenses and certifications required by the State of California.**
 - iii. Post bids on websites such as The Bay Area Builders Exchange for sub-contractors to readily access work to bid on for local workers in the 9 Bay Area Counties, including Santa Cruz, Monterey, and San Benito Counties.**
 - b. Made good faith efforts to**
 - i. Comply with the State of California's apprenticeship program requirement that at least 16.7% of the hours worked by their respective construction workforces on the project must be worked by registered apprentices from approved apprenticeship training programs with proper payment of wages and fringe benefits as required by law, and,**
 - ii. Ensure that 25% of those registered apprentices are identified as having an employment barrier such as homeless, veterans, or at-risk youth.**

4.2 17-115 Downtown High-Rise Residential Incentive for Park View Towers at 252 N. First Street.

Recommendation: Conduct a Public Hearing regarding an economic development subsidy in connection with a reduction in construction taxes and parkland fees for a Downtown residential high-rise at 252 N. First Street in the amount of \$2,723,593, pursuant to California Government Code Section 53083 and Open Government Resolution Section 2.3.2.6 C. CEQA: Addendum to the Final Supplemental Environmental Impact Report for the Park View Towers Project, and Downtown Strategy 2000 Environmental Impact Report, Planning File Nos. H14-009 and HA14-009-01. Council District 3. (Economic Development)
The public hearing was held
Approved – See action from Item 4.1

4.3 17-116 Downtown High-Rise Residential Incentive for SJSC Towers at 33 N. Fifth Street.

Recommendation: Conduct a Public Hearing regarding an economic development subsidy in connection with a reduction in construction taxes and parkland fees for a Downtown residential high-rise at 33 N. Fifth Street in the amount of \$8,475,023, pursuant to California Government Code Section 53083 and Open Government Resolution Section 2.3.2.6 C. CEQA: Addendum to the Downtown Strategy 2000 EIR, the Envision San José 2040 General Plan and the Envision San Jose 2040 General Plan Supplemental EIR, Planning File No. SP17-009. Council District 3. (Economic Development)
The public hearing was held
Approved – See action from Item 4.1

4.4 17-117 Downtown High-Rise Residential Incentive for the Graduate at 88 E. San Carlos Street.

Recommendation: Conduct a Public Hearing regarding an economic development subsidy in connection with a reduction in construction taxes and parkland fees for a Downtown residential high-rise at 88 E. San Carlos Street in the amount of \$3,628,503, pursuant to California Government Code Section 53083 and Open Government Resolution Section 2.3.2.6 C. CEQA: Addendum to the San José Downtown Strategy 2000 Final Program EIR (Resolution No.72767), the Envision San José 2040 General Plan (Resolution No. 76041), and the Envision San José 2040 General Plan Supplemental EIR (Resolution No. 77617), File Nos. H16-036 and T16-048. Council District 3. (Economic Development)
The public hearing was held
Approved – See action from Item 4.1

4.5 17-133 Actions Related to the Issuance of Multifamily Housing Revenue Bonds, the Loan of Bond Proceeds for the Catalonia Apartments.

Recommendation:

Adopt a resolution:

(a) Authorizing the issuance of tax-exempt multifamily housing revenue bonds designated as “City of San José Multifamily Housing Revenue Bonds (Catalonia Apartments), Series 2017C (the “Bonds”) in a principal amount not to exceed \$17,713,027;

(b) Approving a loan of Bond proceeds to Catalonia Two, L.P., a California limited partnership created by Eden Housing, Inc., a California nonprofit corporation, to finance the acquisition and rehabilitation of the Catalonia Apartments located at 2036 Evans Lane, in San José;

(c) Approving in substantially final form the Indenture of Trust, Loan Agreement and Regulatory Agreement and Declaration of Restrictive Covenants (the “Bond Documents”);

(d) Authorizing and directing the City Manager, Director of Finance and Director of Housing, or their designees, to execute and deliver the Bond Documents and related documents as necessary; and

(e) Authorizing the Director of Housing to negotiate and execute amendments to existing City loan documents relating to the Catalonia Apartments consistent with the terms described below.

CEQA: Exempt, File No. PP17-019, CEQA Guidelines Section 15301 for existing facilities. Council District 6. (Housing/Finance)

Resolution No. 78380 adopted.

**4.6 Amendment to Ground Leases for the Lease Riders on the Japantown Seniors, Donner Lofts and Ford Road Family Affordable Housing Projects.
*Note: Renumbered to Item 2.14***

5. NEIGHBORHOOD SERVICES

5.1 17-142 Application for 2017 Santa Clara County Grant Funding from the All-Inclusive Playgrounds Program.

Recommendation:

(a) Approve the recommended park sites listed in Attachment B to the memorandum to Council for the City’s application to apply for the County of Santa Clara grant for the development of all-inclusive playgrounds.

(b) Allow Parks, Recreation and Neighborhood Services staff the flexibility in requesting funds when applying for the proposed nine park sites for the All-Inclusive Playgrounds Program grant.

CEQA: Not a Project, File No. PP17-006, Grant Application with no commitment or obligation to enter into an agreement at the time of application. (Parks, Recreation and Neighborhood Services)

Approved.

6. TRANSPORTATION & AVIATION SERVICES

6.1 17-156 Formation of the Ad Hoc Advisory Committee on South Flow Aircraft Arrivals.

Recommendation: (a) As recommended by the Transportation and Environment Committee on September 11, 2017, approve staff's report to allow staff to work with Santa Clara County cities and the County to form the Ad Hoc Advisory Committee on South Flow Arrivals.
Approved with two City of San José Councilmembers and one alternate Councilmember.

If part (a) is approved:

(b) Appoint a Councilmember and an alternate Councilmember to represent the City on the Committee.

CEQA: Not a Project, File No. PP17-010, City Organizational & Administrative Activities resulting in no changes to the physical environment. (Airport)

[Transportation and Environment Committee referral 9/11/17 - Item (d)3]

Councilmember Chappie Jones and Councilmember Raul Peralez were appointed to the Ad Hoc Advisory Committee on South Flow Arrivals, and Councilmember Johnny Khamis was appointed as the alternate.

Absent: Diep

6.2 Amendment to the Agreement with California High Speed Rail Authority for the California High Speed Rail Project. *Note: Renumbered to Item 2.15,*

7. ENVIRONMENTAL & UTILITY SERVICES

7.1 17-118 Actions Related to the Alviso Storm Pump Station.

Recommendation: (a) Approve award of a construction contract for the Alviso Storm Pump Station Project (CPMS ID 6095) to the second low bidder, JMB Construction, Inc., in the amount of \$13,130,420 and approve a ten percent contingency in the amount of \$1,313,042.
Approved.

(b) Adopt the following Fiscal Year 2017-2018 Appropriation Ordinance Amendments in the Storm Sewer Operating Fund:

(1) Decrease the Capital Program Reserve by \$3,000,000; and

(2) Increase the transfer to the Storm Sewer Capital Fund by \$3,000,000.

Ordinance No. 30008 adopted.

(Item continued on next page)

7.1 17-118

Actions Related to the Alviso Storm Pump Station. (Cont'd.)

(c) Adopt the following Fiscal Year 2017-2018 Appropriation Ordinance and Funding Sources Resolution Amendments in the Storm Sewer Capital Fund:

- (1) Increase the estimate for Transfers and Reimbursements by \$3,000,000; and
- (2) Increase the Alviso Storm Pump Station appropriation to the Public Works Department by \$6,800,000;
- (3) Decrease the Outfall Rehabilitation - Capital appropriation to the Public Works Department by \$100,000;
- (4) Decrease the Alviso Storm Pump Station Reserve by \$1,200,000;
- (5) Decrease the Storm Pump Station Rehabilitation and Replacement appropriation to the Public Works Department by \$1,500,000;
- (6) Decrease the Storm Sewer Master Plan - City-wide appropriation to the Public Works Department by \$300,000;
- (7) Decrease the Condition Assessment Storm Sewer Repairs appropriation to the Public Works Department by \$200,000; and
- (8) Decrease the Unrestricted Ending Funding Balance by \$500,000.

CEQA: Determination of Consistency with the Alviso Storm Pump Station Initial Study and Mitigated Negative Declaration (Resolution No. 77721), File No. PP15-052. Council District 4. (Public Works/Environmental Services/City Manager)

Ordinance No. 30009 adopted.

Resolution No. 78381 adopted.

Absent: Rocha.

7.2 17-137

Amendment to the Agreement with Lennar Avenue One, LLC for Sanitary Sewer Improvements.

Recommendation:

Approve an amendment to the subdivision improvement agreement with Lennar Avenue One, LLC ("Developer") to retroactively reimburse the Developer for the upsizing of the existing, and installation of new, sanitary sewer mains on Raleigh Road and Charlotte Drive between Cottle Road and Endicott Boulevard in an amount not to exceed \$1,314,670. CEQA: Addendum to the Hitachi Campus and Mixed-Use Transit Village Project Environmental Impact Report (Resolution No. 72772), File No. PDC04-031. Council District 2. (Public Works)

Approved.

Absent: Rocha.

7.3 17-111 Audit of Environmental Services Department Consulting Services.

Recommendation: As recommended by the Transportation and Environment Committee on September 11, 2017, accept the audit report on ESD Consulting Services. CEQA: Not a Project, File No. PP17-010, City Organization & Administrative Activities resulting in no change to the physical environment. (City Auditor)
[Transportation and Environment Committee referral 9/11/17 - Item (d)4.]
(Deferred from 9/26/17)
Report accepted, with direction to staff to provide an update on open audit recommendations to the Transportation and Environment (T&E) Committee.

8. PUBLIC SAFETY

9. REDEVELOPMENT – SUCCESSOR AGENCY

10. LAND USE

10.1 Land Use on Consent Calendar

There were No Land Use items on Consent Calendar.

10.2 17-174 Analysis of Proposed General Plan Land Use Overlay Amendments for Mobilehome Parks and Review of Recommendations from The Law Foundation of Silicon Valley Regarding Protection of Mobilehome Park Residents.

Recommendation: Accept staff analysis of a proposed General Plan amendment to create overlay designations for mobilehome parks with residential designations with a recommendation of no action to amend the General Plan. CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action. (Planning, Building and Code Enforcement/Housing)
(Deferred from 9/19/17 - Item 10.2)
Dropped.

10.3 17-094

Conforming Rezoning, Special Use Permit and Development Exception for Real Property Located at 1657 Alviso-Milpitas Road.

Recommendation:

(a) Adopt a resolution certifying the 237 Industrial Center Environmental Impact Report and making certain findings concerning significant impacts, mitigation measures, alternatives, and adopting a Statement of Overriding Consideration and Mitigation, Monitoring and Reporting Program, all in accordance to the California Environmental Quality, Act, as amended.

(b) Consideration of an ordinance of the City of San José Rezoning an approximately 64.59 gross acre site, located northwest of Highway 237 and McCarthy Boulevard (1657 Alviso-Milpitas Road), from the A(PD) Planned Development Zoning District to the LI Light Industrial Zoning District (Cilker Carl A And Kathleen C Trustee, Owners).

(c) Adopt a resolution approving (i) Special Use Permit No. SP16-053, subject to conditions, to allow the removal of eight ordinance sized and 14 non-ordinance sized trees, and construction of six buildings for a data center use totaling approximately 376,519 square feet with associated site improvements and 14 generators, and (ii) a Development Exception to allow a reduction in off-street parking.

CEQA: 237 Industrial Center Environmental Impact Report.
(Planning, Building and Code Enforcement)
C15-054, SP16-053 & V17-004 - Council District 4

Deferred to 10/24/17 per Administration.

10.4 17-159

Amendment to the Development Agreement with Jackson-Taylor Partners, LLC for the Japantown Corporation Yard Redevelopment Project.

Recommendation:

Consideration of an ordinance to approve the Second Amendment to the Development Agreement by and between the City of San José and Jackson-Taylor Partners, LLC for the Japantown Corporation Yard Redevelopment Project (Ordinance No. 29528), as amended, for the property located at 696 North 6th Street. The Second Amendment to the Development Agreement would incorporate a one-year extension of the terms of the Agreement; authorize the use of the site by the City on a temporary basis for a farmer's market and public parking; require a Developer's Community Liaison for the Project under specified circumstances; and revise remedies available in the event of any delay by the Developer in performance or default of the Agreement. CEQA: Determination of Consistency with the Japantown Corporation Yard Redevelopment Project Environmental Impact Report, adopted by City Council Resolution No. 74384, and addendum thereto. Planning Commission recommends approval (6-0-1; Pham absent). (Planning, Building and Code Enforcement)

DA17-001 - Council District 3

Ordinance No. 30010 passed for publication.

City Council

- **Open Forum**

- 1) **Brian Darby offered comments on Las Vegas, and assisting people with developmental disabilities.**
- 2) **Dan Pan, Kimi, David Eisbach, Seigi Tadokoro, Lan Bui, Bonnie Liu, and Cheryl Lubow voiced concerns related to the Apartment Rent Ordinance.**

- **Adjournment – 7:04 p.m.**

The Council of the City of San José was adjourned at 7:04 p.m.

• **JOINT CITY OF SAN JOSE CITY COUNCIL/FINANCING AUTHORITY AGENDA**

1. Call to Order and Roll Call

The Joint City of San Jose City Council/Financing Authority was called to order at 2:14 p.m.

2. **17-119 Actions Related to the Establishment of an Interim Financing Program to Finance Capital Improvements at the San José-Santa Clara Regional Wastewater Facility.**

Recommendation:

(a) Adopt resolutions of the City Council:

(1) Providing for the allocation of Wastewater System Revenues, the pledge of Wastewater Net System Revenues, and establishing covenants to secure the payment of obligations payable from Wastewater Net System Revenue and repealing prior inconsistent resolutions; and

Resolution No. 78382 adopted.

(2) Approving the issuance by the City of San José Financing Authority of its Subordinate Wastewater Revenue Notes from time to time in an aggregate principal amount not to exceed \$300,000,000 outstanding at any one time for the purpose of financing Wastewater System and Treatment Plant Projects for the City of San José and/or refunding Prior Obligations issued or incurred for such purpose, approving and authorizing the execution and delivery of a Credit Agreement and a Fee Letter Agreement with Wells Fargo Bank, National Association, and a Subordinate Installment Purchase Contract, and authorizing other related actions in connection therewith.

Resolution No. 78383 adopted.

(b) Adopt a resolution of the City of San José Financing Authority Board authorizing the issuance by the City of San José Financing Authority of its Subordinate Wastewater Revenue Notes from time to time in an aggregate principal amount not to exceed \$300,000,000 outstanding at any one time for the purpose of financing Wastewater System and Treatment Plant Projects for the City of San José and/or refunding Prior Obligations issued or incurred for such purpose, approving and authorizing the execution and delivery of a Credit Agreement and a Fee Letter Agreement with Wells Fargo Bank, National Association, and a Subordinate Installment Purchase Contract, and authorizing other related actions in connection therewith.

CEQA: San José-Santa Clara Regional Wastewater Facility Master Plan EIR (Resolution No. 76858), File No. PP11-043. (Finance)

San José Financing Authority Resolution No. 138 Adopted.

• Open Forum

• Adjournment

The Joint City of San Jose City Council/Financing Authority was adjourned at 2:33 p.m.